IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO: 5:10-CV-500-BR

| CAROL A. QUINONES, |) | |
|--------------------------|---|--------------|
| Plaintiff, |) | |
| v. |) | <u>ORDER</u> |
| BURGER KING CORPORATION, |) | |
| Defendant. |) | |

This matter is before the court on plaintiff's motion to remand. Defendant filed a response to the motion, indicating that it does not oppose remand based on plaintiff's representation that she "is prepared to stipulate, as a term and condition of remand to state court, that she will waive her claim for treble damages, and will also stipulate that she will not assert a claim for damages that exceeds \$75,000," (Mot. Remand ¶ 7). Based on plaintiff's stipulation, the court does not possess subject matter jurisdiction. The motion to remand is ALLOWED, and this case is REMANDED to Wake County Superior Court. The Clerk is DIRECTED to serve a copy of this order on the Clerk of that court.

This 28 January 2011.

W. Earl Britt

Senior U.S. District Judge